



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,144	09/28/2001	Jocelyn Willis-Papi	AD 6747 US NA	4069

23906 7590 06/27/2003

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

EXAMINER

HAMPTON HIGHTOWER, PATRICIA

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,144

Applicant(s)

WILLIS-PAPI ET AL.

Examiner

Patricia Hightower

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Respons To Amendment

In view of the applicants' response/amendment filed February 20, 2003, the rejection of the claims under 35 USC 112, second paragraph.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielinger et al (USP 4,762,910) newly cited.

Nielinger et al (USP 4,762,910 - newly cited) discloses a process for the preparation of a copolyamide condensate containing 25 to 48% by weight of units of hexamethylene terephthamide which comprises heating 40 to 70% by weight aqueous solution of adipic acid, terephthalic acid and hexamethylene diamine to at least 250⁰C under a pressure of at least 35 bar in less than 15 minutes and then distilling off water at a temperature of 260⁰-300⁰C at a pressure of 1-40 bar in one or more stages, whereby a precondensate having a relative viscosity of 1.5-2.4, as measured in a 1% by weight m-cresol solution at 25⁰C is obtained which is thereafter condensed to produce the copolyamide condensate; which anticipates the claimed invention. See abstract; col. 1, lines 9-28,33-68; col. 2, lines 1-32,35-42,57-68; Examples 1, 2, 3; claims 1-6.

Nielinger et al teaches that *copolyamides of adipic acid, terephthalic acid and hexamethylene diamine with relatively high terephthalic acid contents may be obtained*

Art Unit: 1711

with improved properties by very rapidly heating the aqueous solution of the monomers for precondensation to a temperature of at least 250°C, preferably at least 260°C and then completing the condensation of the resulting precondensate to the desired molecular weight by known methods. See col. 2, lines 3-11, 12-32.

Nielinger et al teaches a process for the preparation of homogeneous polyamides of adipic acid, terephthalic acid and hexamethylene diamine containing from 25 to 48% by weight, preferably from 30 to 45% by weight of hexamethylene terephthalamide units, which polyamides are completely soluble in formic acid, wherein a 40 to 70% by weight aqueous solution, preferably a 45 to 65% solution, of the monomers is heated to at least 250°C, preferably 260°C to 300°C, in less than 15 minutes, preferably within 1 to 10 minutes, at a pressure of at least 35 bar, and the water is distilled off at a temperature of from 260°C to 300°C, at a pressure of 1 to 40 bar, preferably 1-35 bar, in one or more stages until a precondensate having a relative viscosity of from 1.5 to 2.4, preferably from 1.8 to 2.3 is obtained, and the precondensate obtained at normal pressure is after-condensation may be carried out in the solid phase after the precondensate has solidified. See col. 2, lines 12-32; Example 1.

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references are cited to show the state of the art of

Art Unit: 1711

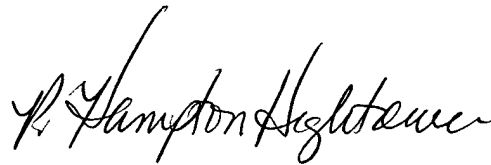
preparing the polyamides and end products prepared therefrom; Torres, Leboeuf, Lin, Sakashita and Mains.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia H. Hightower whose telephone number is (703) 308-2434. The examiner can normally be reached on M-F from 9:30 A.M - 6:00 P. M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9311 for regular communications and 703-872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

P. Hightower/mn
May 22, 2003



P. Hampton Hightower
Primary Examiner
Art Unit 1711